

**2009SP-034-001**

Claims Unlimited

Map: 061-11 Parcel: 156

East Nashville Community Plan

Council District 8 – Karen Bennett

Staff Reviewer: Brian Sexton

A request to rezone from RS7.5 to SP-MU zoning and for final site plan approval for property located at 1022 Virginia Avenue, approximately 180 feet west of Gallatin Pike (0.13 acres), to permit a general office use within a single-family dwelling unit, requested by William J. Evans, applicant, for Russell B. Johns, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Permit a single family residence and general office uses.**

**Preliminary and Final** - A request to rezone from Single-Family Residential (RS7.5) to Specific Plan – Mixed Use (SP-MU) zoning and for final site plan approval for property located at 1022 Virginia Avenue, approximately 180 feet west of Gallatin Pike (0.13 acres), to permit a general office use within a single-family dwelling unit.

**Existing Zoning**

RS7.5 District - RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.

**Proposed Zoning**

SP-MU District - Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes single family residential and general office uses.*

**CRITICAL PLANNING GOALS N/A**

**EAST NASHVILLE COMMUNITY PLAN**

**Corridor Center (CC)** CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

*Detailed Land Use Plan*

**Office (O)** Office is intended to include a variety of office uses. These offices will vary in intensity depending on the Structure Plan category.

**Consistent with Policy?** Yes. The request to rezone the property from RS7.5 to SP-MU is consistent with the O in CC policy. Appropriate uses within this policy area include single family residential and office uses.

**PLAN DETAILS** The property is approximately 0.14 acres in size. It is located west of Gallatin Pike along Virginia Avenue. The property is developed and consists of an existing one story single family residence and detached garage. This SP would permit a general office use, but it does not propose any additional built square footage beyond the existing residence and detached garage. A portion of the single family residence is currently being used as general office. The property owner has been cited by the Codes Department for the general office portion of the property being out of compliance with the existing RS7.5 zoning.

The proposed SP plan, which would allow the general office use to remain on this property, recognizes the existing land use and limits the expansion of the uses and the square footage of the buildings on the property. No outdoor sales or display of goods would be permitted on the property at any time. This SP allows only single family residential and general office. Any additions or exterior alterations will require approval by the Planning Commission, and may require Council approval.

**Building** The existing residence is oriented towards Virginia Avenue and is set back approximately 31 feet from the public right of way. An existing one-story detached garage is located in the rear of the residence. The applicant originally built the garage without a building permit over an existing sanitary sewer line. A permit was recently issued for the construction of the garage and Metro Water Services has granted conditional approval of the encroachment. The conditional approval includes that the applicant will be held responsible for any damages to the garage that may occur upon the inspection and maintenance of the sanitary sewer line.

**Access/Parking** Access to the site is from Virginia Avenue across the northwest portion of an adjacent property. At this time there is no access easement in place. The applicant will need to provide staff with a copy of an access easement from parcel 157 prior to the issuance of any Use and Occupancy permits. Sidewalks are already in place and the parking area in the front of the residence is paved. The plan proposes a total of four on-site parking spaces which meets the parking requirement of the Zoning Code.

**Screening/Landscaping** The plan proposes two brick knee walls with a maximum height of three feet. The first is located along Virginia Avenue and the second is located along the eastern property line to provide additional screening for the parking area. A variety of shrubs and evergreen trees are proposed along the northwestern portion of the property line. An existing eight foot opaque fence is located on the east and west sides in the rear of the residence to provide additional screening of the garage area.

**Signs** Sign details were not included in this SP. Sign elevations for any general office use will be required prior to any new use and occupancy permits. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Signage shall be limited to a maximum of one 3 foot tall by 4 foot wide monument style sign. The base shall be constructed of brick or stone. The sign shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.

#### **PUBLIC WORKS RECOMMENDATION**

- All Public Works' design standards shall be met prior to permit issuance. Applicant shall monitor existing vegetation to ensure that adequate sight distance is maintained from the existing driveway onto Virginia Avenue.

#### **Maximum Uses in Existing Zoning District: RS7.5**

<b>Land Use (ITE Code)</b>	<b>Acres</b>	<b>FAR/Density</b>	<b>Total Floor Area/Lots/Units</b>	<b>Daily Trips (weekday)</b>	<b>AM Peak Hour</b>	<b>PM Peak Hour</b>
Single-Family Detached(210)	0.13	4.94 D	1 L	10	1	2

#### **Maximum Uses in Proposed Zoning District: SP-MU**

<b>Land Use (ITE Code)</b>	<b>Acres</b>	<b>FAR/Density</b>	<b>Total Floor Area/Lots/Units</b>	<b>Daily Trips (weekday)</b>	<b>AM Peak Hour</b>	<b>PM Peak Hour</b>
Single-Family Detached(210)	0.13	4.94 D	1 L	10	1	2

Maximum Uses in Proposed Zoning District: **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.13	-	992 SF	39	5	5

Traffic changes between maximum: **RS7.5** and proposed **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+39	+5	+5

**WATER SERVICES RECOMMENDATION** The requirements of the Metro Water and Sewer Services Department must be met prior to Use and Occupancy permits.

**STAFF RECOMMENDATION** Staff recommends approval with conditions of the zone change request. The request is consistent with the O in CC policy of the community plan. Appropriate uses within O in CC policy areas include single family residential and office.

**CONDITIONS**

- Any additions or exterior alterations to the property shall require approval by the Planning Commission, and may require Council approval. There shall be no outdoor sales or display of goods on the property at any time.
- A copy of the access easement from map 61-11 parcel 157 shall be provided to staff prior to the issuance of any Use and Occupancy permits.
- Sign elevations for general office uses shall be reviewed and approved by staff prior to any use and occupancy permits. Pole mounted signs are not permitted. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Signage shall be limited to a maximum of one 3 foot tall by 4 foot wide monument style sign. The base shall be constructed of brick or stone. The sign shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
- All Public Works' design standards shall be met prior to permit issuance. Applicant shall monitor existing vegetation to ensure that adequate sight distance is maintained from the existing driveway onto Virginia Avenue.
- The requirements of the Metro Water and Sewer Services Department shall be met prior to the issuance of any Use and Occupancy permits.
- This SP is limited to single family residential and general office uses.
- For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the residential uses on the property shall be subject to the standards, regulations and requirements of the RS7.5 zoning district and the general office uses on the property shall be subject to the standards, regulations and requirements of the ON zoning district as of the date of the applicable request or application.
- A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning

Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.

9. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Approve with conditions, **Consent Agenda. (8-0)**

**Resolution No. RS2010-4**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2009SP-034-001 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Any additions or exterior alterations to the property shall require approval by the Planning Commission, and may require Council approval. There shall be no outdoor sales or display of goods on the property at any time.
2. A copy of the access easement from map 61-11 parcel 157 shall be provided to staff prior to the issuance of any Use and Occupancy permits.
3. Sign elevations for general office uses shall be reviewed and approved by staff prior to any use and occupancy permits. Pole mounted signs are not permitted. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Signage shall be limited to a maximum of one 3 foot tall by 4 foot wide monument style sign. The base shall be constructed of brick or stone. The sign shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
4. All Public Works' design standards shall be met prior to permit issuance. Applicant shall monitor existing vegetation to ensure that adequate sight distance is maintained from the existing driveway onto Virginia Avenue.
5. The requirements of the Metro Water and Sewer Services Department shall be met prior to the issuance of any Use and Occupancy permits.
6. This SP is limited to single family residential and general office uses.
7. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the residential uses on the property shall be subject to the standards, regulations and requirements of the RS7.5 zoning district and the general office uses on the property shall be subject to the standards, regulations and requirements of the ON zoning district as of the date of the applicable request or application.
8. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to

the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.

9. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

**The proposed SP-MU district is consistent with the East Nashville Community Plan's Corridor Center policy, and its office Detailed Design Plan policy."**